

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, two remote public hearings will be held on Friday, February 25, 2022, each at the respective time listed below, relative to the emergency adoption of amendments to:

1. 9:30 a.m.: 101 CMR 448.00: *Workforce Investment Rates for Certain Health and Human Services Programs*

Pursuant to M.G.L. c. 118E, s. 13D, EOHHS is required to establish, by regulation, the rates to be paid by governmental units to providers of health care services and social service programs. The proposed regulation is in accordance with this statutory requirement. The rates established in 101 CMR 448.00 increase the rates for certain Health and Human Services programs established in other EOHHS rate regulations for the purpose of advancing the Commonwealth's initiatives of workforce investment.

To promote workforce development and strengthen the workforce during the continued federal public health emergency, the 10% add-on rate for the services will be updated to extend this add-on originally effective July 1, 2021, through December 31, 2021, to be effective for dates of service on or after January 1, 2022, through June 30, 2022. This effective date range aligns with the rates established pursuant to the ARPA-related rate regulation at 101 CMR 447.00. Beginning July 1, 2022, the rates for all services described in 101 CMR 448.00 will revert to the applicable rates set forth in the corresponding rate regulation for each service, as described in 101 CMR 448.00

The total estimated gross cost to state government for the rates effective January 1, 2022, through June 30, 2022, is approximately \$58.8M or 12.25% over FY20 spending of \$1.17B. Approximately \$51.9M is attributable to EHS services and \$6.9M is attributable to MassHealth.

The regulation went into effect as an emergency on January 1, 2022. There is no fiscal impact on cities and towns.

2. 10:30 a.m.: 101 CMR 204.00: *Rates of Payment to Resident Care Facilities*

Pursuant to M.G.L. c. 118E, s. 13D, EOHHS is required to establish, by regulation, the rates of payment to residential care facilities, also called rest homes. 101 CMR 204.00 is being further updated with the following changes, effective January 15, 2022, that are in addition to the proposed standard rest home rates effective December 1, 2021.

- The addition of certain one-time staffing add-on payments related to reimbursement for costs associated with COVID-19 in the months of January, February, and March 2022. The amendment also includes associated reporting requirements as well as requirements to use these payments for certain defined direct-care expenses. The calculation of the three monthly add-on payments per facility follows:
 1. Divide the number of Massachusetts DTA and EAEDC days annualized from the days reported by each resident care facility provider on their 2020 HCF-4 cost report, by the total number of Massachusetts DTA and EAEDC days, across all resident care facility providers, as annualized from the days reported by all SSI/SSP and EAEDC resident care facility providers on the 2020 HCF-4 cost report.
 2. Multiply the quotient calculated in 101 CMR 204.09(2)(b)1. by \$1,527,778.
 3. Divide the product calculated in 101 CMR 204.09(2)(b)2. by three.
 4. Each monthly add-on payment shall equal the amount calculated in 101 CMR 204.09(2)(b)3. for each resident care facility.
- The removal of the disallowance of future surveillance testing payments for failure to meet certain reporting requirements.

The proposed amendments will result in an approximately \$1.5 million one-time aggregate state expenditure to eligible resident care facilities, which will be realized in FY2022.

The regulation went into effect as an emergency on January 15, 2022. There is no fiscal impact on cities and towns.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, February 25, 2022. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulations, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download related supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, revised version of the emergency regulation taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

February 4, 2022